

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DIANE D. JONES, individually and on behalf §
of herself and all others similarly situated, §
§
Plaintiff, §
§
v. §
§
REALPAGE, INC. d/b/a LEASINGDESK §
SCREENING, §
§
Defendant. §
§

Civ. No. 3:19-cv-02087-B

PLAINTIFF'S MOTION TO CERTIFY CLASS

Pursuant to Fed. R. Civ P. 23, Plaintiff Diane D. Jones, on behalf of herself and all others similarly situated, respectfully moves this Court for an order certifying the following general class and sub-class:

Facially Non-matching Records Class: All persons residing in the United States and its Territories, beginning two years prior to the filing of the Complaint in this matter and continuing through the resolution of the action, about whom RealPage furnished a consumer report which included one or more items of criminal record information for which the first and last name of the offender did not match the first and last name of the person who was the subject of the report.

Confirmed Non-match Sub-Class: All persons residing in the United States and its Territories, beginning two years prior to the filing of the Complaint in this matter and continuing through the resolution of the action, about whom RealPage furnished a consumer report which included one or more items of criminal record information, and for whom RealPage subsequently determined that the item(s) of criminal record information was a “nonmatch.”

Plaintiff additionally moves this Court for an order deeming her an adequate representative of the class and sub-class and appointing Jim Flegle and Donna Lee of Loewinsohn Flegle Deary

Simon, LLC; Michael A. Caddell, Cynthia B. Chapman and Amy E. Tabor of Caddell & Chapman; John Soumilas, David A. Searles, Lauren KW Brennan and Edward H. Skipton of Francis Mailman Soumilas, P.C.; and Edward Y. Kroub of Cohen & Mizrahi LLP as Class Counsel.

As more fully detailed in the attached Memorandum in Support, Plaintiff satisfies the four prerequisites under Fed. R. Civ. P. 23(a) as well as the predominance and superiority requirements under Fed. R. Civ. P. 23(b). Her Motion for Class Certification should therefore be granted.

DATED: May 29, 2020

Respectfully submitted,

FRANCIS MAILMAN SOUMILAS, P.C.

/s/ John Soumilas

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Counsel for Plaintiffs and the Proposed Class

Certificate of Conference

The undersigned certifies that Plaintiff conferred with Defendant's counsel regarding the relief sought in the above Motion via email communications on May 26, 2020. Defense counsel indicated that Defendant would oppose the motion. Thus, this motion is presented as opposed for the Court's consideration.

/s/ John Soumilas
John Soumilas, Esq.

Certificate of Service

Pursuant to the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Texas, I hereby certify that this document and the accompanying Memorandum of

Law and Appendix were filed May 29, 2020 via the Electronic Case Filing system, and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ John Soumilas
John Soumilas, Esq.